

Application No. 10/620,749  
Amendment Dated 02 September 2004  
Reply to Office Action of 2 June 2004

Attorney Docket No. 5701-01293

**Remarks**

Applicant respectfully requests consideration of the instant application in view of the above amendments and the following remarks.

***Specification***

Applicant respectfully thanks the Examiner for withdrawing the previous objections to the specification.

***Claim Status***

Claims 1-37 are pending in the application.

Claims 1-6 and 29-31 have been withdrawn from consideration.

Claims 7-28 have been allowed.

Claims 32-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,279,944 B1 to Russell et al.

***Claim Amendments***

Claim 32 has been amended at line 10 to insert -- comprising more than two lanes -- after "roadway", and at line 11 to insert --said-- before "lanes". This amendment finds support from the specification on, *inter alia*, page 10, line 17 through page 11, line 16; page 13, lines 4-10; page 14, lines 21-23; page 16, lines 8-10 and 19-26; and page 18, lines 17-22.

***Claim Rejections Under 35 U.S.C. § 102(b)***

Claims 32-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,279,944 B1 to Russell et al.

Claim 32 has been amended to add the limitation that the road way comprises more than two lanes. Applicant respectfully submits that, as best understood, Russell et al. does not disclose or suggest the determination of which of a plurality of lanes that the target vehicle is likely traveling, but instead provides for classifying each object as either in or out of the highway lane of the host vehicle. In the Advisor Action, the Examiner had stated that the previously

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added limitation of determining which of a plurality of lanes the target vehicle is likely traveling did not distinguish over Russell et al. in situations where the roadway has only two lanes with no shoulder. The present amendment adds the limitation that the roadway has more than two lanes, so as to distinguish over Russell et al. On roadway comprising more than two lanes, Russell et al. does not provide for determining which of the plurality of possible locations -- other than the lane of the host vehicle -- the target vehicle is located. Because Russell et al. does not disclose or suggest all of the limitations of claim 32, Applicant respectfully submits that claim 32 is now allowable over Russell et al. Applicant respectfully requests reconsideration and allowance of amended claim 32 in view of the above argument.

Claims 33/32, 34/1, 35/32, 36/35/32 and 37/36/35/32 each depend upon claim 32. Accordingly, Applicant respectfully submits that if the above argument regarding the novelty of claim 32 in view of Russell et al. is accepted, then claims 32-37 are also distinguished from Russell et al. because the addition of further limitations to an already novel claim does not negate novelty. Applicant respectfully requests reconsideration and allowance of claims 32-37 in view of the above argument in respect of claim 32 in view of Russell et al.

#### Summary and Conclusions

Claim 32 has been amended to distinguish over the prior art. Applicant respectfully submits that no new matter has been added by this amendment. Applicant respectfully submits that the instant application is now in the proper form for Notice of Allowance, and respectfully requests a timely issuance thereof in this application.

Respectfully Submitted,



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